

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

PHILLIP GAY,)	
)	
Petitioner,)	
)	
v.)	Case No. 7:08-CV-00120-RDP
)	
DAVID WISE, Warden, and)	
THE ATTORNEY GENERAL)	
OF THE STATE OF ALABAMA,)	
)	
Respondents.)	

FINAL JUDGMENT

On May 16, 2008, the magistrate judge's report and recommendation was entered and the parties were allowed therein eleven (11) days in which to file objections to the recommendations made by the magistrate judge. On May 22, 2008, Petitioner filed objections to the magistrate judge's report and recommendation.

After careful consideration of the record in this case, the magistrate judge's report and recommendation and Petitioner's objections thereto, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendations of the magistrate judge and it is, therefore, **ORDERED**, **ADJUDGED** and **DECREED** that the petition for writ of habeas corpus in this action be and the same hereby is **DISMISSED** pursuant to 28 U.S.C. § 2244(b),

DISMISSED for failure to comply with 28 U.S.C. § 2244(b)(3)(A), and, in the alternative, **DENIED** as time-barred.

DONE and **ORDERED** this 10th day of June, 2008.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE